

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

B16020133

IN RE:

Juan D. Garza, aka Juan Dedios Garza;

] Case Number 16-03649
] CH 13
] Judge Donald R. Cassling
]

NOTICE OF MOTION

TO: Juan D. Garza, aka Juan Dedios Garza, 684 Fieldcrest Drive, Unit C, South Elgin, IL 60177
Paul M. Bach, Sulaiman Law Group, Ltd, 900 Jorie Blvd Suite 150, Oak Brook , IL 60523
Patrick S. Layng, Office of US Trustee, 219 S. Dearborn St, Room 873, Chicago, IL 60604
Glenn Stearns, 801 Warrenville Rd, Ste 650, Lisle, IL 60532
Lidia Leanos, 684 Fieldcrest Drive, South Elgin, IL 60177

PLEASE TAKE NOTICE that on April 15, 2016 at 9:30am, or as soon thereafter as counsel may be heard, I shall appear before the Honorable Donald R. Cassling or any judge sitting in his/her stead, in the courtroom usually occupied by him/her in Room 240 at 100 S. Third Street, Geneva, IL 60134, and move to present the attached motion.

/s/ Cyrstal V. Sava

Attorney for Creditor

PROOF OF SERVICE BY MAIL

THE UNDERSIGNED, being first duly sworn on oath, deposes and says that she served a copy of this notice by mailing a copy to the above named parties at the above named addresses and depositing the same in the U.S. Mail at Naperville, Illinois 60563, with postage prepaid, on April 7, 2016.

/s/ Leena A. Thalackal

ANSELMO LINDBERG OLIVER LLC
1771 W. Diehl Road, Suite 120
Naperville, IL 60563-4947
630-453-6960 866-402-8661 630-428-4620 (fax)
foreclosure@ALOLawGroup.com

THIS LAW FIRM IS DEEMED TO BE A DEBT COLLECTOR.

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MOTION FOR RELIEF & RELIEF FROM CO-DEBTOR STAY

Now comes Wells Fargo Bank, N.A., secured creditor herein, by and through its attorneys, ANSELMO LINDBERG OLIVER LLC moves for an entry of the attached Order Granting Relief and for Relief from Co-Debtor Stay and in support thereof respectfully states as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. Section 1334 and the general orders of the Northern District of Illinois.
2. Venue is fixed in this Court pursuant to 28 U.S.C. Section 1409.
3. This matter constitutes a core proceeding pursuant to 28 U.S.C. Section 157(b)(2)(G).
4. The debtor(s) filed a petition for relief under Chapter 13 on February 6, 2016.
5. Wells Fargo Bank, N.A. holds a mortgage secured by a lien on debtor(s) real estate commonly known as 684 Fieldcrest Drive, South Elgin, IL 60177.
6. There is no equity in this property, as its value is \$116,644.00 (per Schedule A) and the balance due on the loan as of 2/6/2016 is \$149,351.61. Debtor has a 50% interest in the subject property.
7. Lidia Leanos is an individual who only signed the Mortgage.
8. Per the Chapter 13 plan, the property is being surrendered.

9. The loan is contractually due for the November 1, 2015 to February 1, 2016 payment(s) in the amount of \$1,159.76 each, for a total default of \$4,639.04, not including attorneys fees and costs for bringing this motion.
10. That Sec. 1301 (c) of the bankruptcy Code states: "On request of a party in interest and after notice and a hearing, the court shall grant relief from the stay, provided by subsection (a) of this section with respect to a creditor, to the extent that -(2) the plan filed by the debtor proposes not to pay such a claim.
11. Due to debtor(s) surrendering the property to creditor and debtor's failure to provide for timely payments, there is cause for the automatic stay to be modified as to the movant pursuant to 11 U.S.C. Section 362(d)(1).
12. The movant requests the Court order that Rule 4001 (a)(3) is not applicable.

WHEREFORE, Movant prays for the entry of the attached Order Granting Relief and for Relief from Co-Debtor Stay.

Wells Fargo Bank, N.A.

/s/ Cyrstal V. Sava
One of its Attorneys

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